

JACK ESHER, ESQ.

COMMERCIAL DISPUTE RESOLUTION

Mediation Works Incorporated

4 Faneuil Hall, Fourth Floor, Boston, Massachusetts 02109

Direct Line: (617) 947-3273 Direct Fax: (617) 449-9511 Email: jesh@mw.org



“At today’s status conference, [the] Judge asked who mediated the case and commended you. He said he knew it was you but just wanted to get it in the record (and let other lawyers in the courtroom hear it). Likewise, I wish we had more mediators like you down here. We have just a handful of mediators who are nice people but don’t know how to delve into the issues and be persuasive with both sides.”

-Attorney for Plaintiffs in multi-party federal court litigation

Dispute Resolution Experience

Jack Esher has served as a mediator and arbitrator in commercial cases for over twenty-five years, and is a pioneer in the use of alternative dispute resolution procedures in bankruptcy and workout cases. Mr. Esher was a member of the distinguished panel of mediators and arbitrators at JAMS, an internationally recognized leader in the field of ADR, from 1996 to 2006. He founded the American Bankruptcy Institute’s Committee on ADR in 1994 and authored the first *Mediation Manual* published on bankruptcy matters (ABI, 1996), now accompanied by his co-authorship of the acclaimed *ABI Guide to Bankruptcy Mediation* (ABI, 2nd Ed. 2009). He is a frequently requested lecturer and trainer of ADR concepts and skills to judges, lawyers and business leaders. Since 2001, he has trained over 500 mediators for the ADR Office of the Judiciary in Thailand. Mr. Esher is engaged in an active practice of commercial law which he began in California in 1978, and has continued in Massachusetts since 1985.

Representative Matters

- *In Re Consolidated Food Products*, mediation of preference proceedings, Delaware
- *In re Dura Automotive*, mediation of numerous preference proceedings, Delaware
- *In re Gretag*, Mediation of multi-million dollar lien avoidance adversary proceeding
- *In re Fleming*, Preference Facility Mediator, Delaware
- *In re Jamesway*, Claims Mediator, New York
- *In re Rich’s Department Stores*, Claims Arbitrator
- *In re Malden Mills*, Mediation of multi-party contract/insurance dispute
- *In re ACT Manufacturing*, Mediation of multi-party dispute arising from sale of assets and involving a class of employees
- Has served as a court-appointed mediator or arbitrator in numerous cases
- Has mediated and arbitrated various commercial and consumer disputes involving secured lending/ finance, real estate development, intellectual property, biotech contracts, health care issues and general commercial matters.

Honors, Memberships, and Professional Activities

- Member, Panel of Mediators, United States Bankruptcy Court for the District of Massachusetts
- Member, Panel of Mediators and Arbitrators, United States Bankruptcy Court for the District of Delaware
- Member, Panel of Mediators and Arbitrators, JAMS, 1996-2006
- Founding Chair, ADR Subcommittee of the American Bankruptcy Institute (ABI), 1994-2001
- Chair, ADR Subcommittee of the Boston Bar Association (Bankruptcy Section), 1995-1998
- Author of numerous treatises and articles on ADR and commercial cases, including *ABI Guide to Bankruptcy Mediation* (co-author, ABI, 2009); *Compendium of Bankruptcy Court Local Rules* (ABI, 2009); *Arbitration and Judicial Discretion: Circuits Are Split* (Norton Bankruptcy Law Adviser, May 2006); *Claims Resolution Facilities* (CPR, 2003); *ADR Comes to Bankruptcy* (ABA DR Journal, 2003); *Valuing and Selling Intellectual Property* (ABI, 2002); *Fast, Painless Claims Relief for Judges* (co-author, NCBJ Conference News, 2001)

JACK ESHER, ESQ.

COMMERCIAL DISPUTE RESOLUTION

Mediation Works Incorporated

4 Faneuil Hall, Fourth Floor, Boston, Massachusetts 02109

Direct Line: (617) 947-3273 Direct Fax: (617) 449-9511 Email: jesher@mwi.org

Lectures and ADR Trainings Conducted

- ◆ Recent Developments in Bankruptcy Court Mediation (ABI, 2009)
- ◆ ADR in Mass Tort Cases and Complex Reorganizations (ABI, 2008)
- ◆ Foreclosure Mediation Project, U.S. Bankruptcy Court (D. Mass. 2009)
- ◆ Effective Strategies in Mediations (ABI, 2007)
- ◆ Basic and Advanced Mediation Trainings, Thailand Office of the Judiciary (2001-2005);
- ◆ JAMS Mediation Trainings for Judges and Professionals (1993-2004);
- ◆ ADR and Mediation Options in Bankruptcy Cases (ABI, 2004);
- ◆ Claims Resolution Procedures in Bankruptcy Cases (CPR, 2003);
- ◆ ADR & Bankruptcy: The Next Generation, National Conference of Bankruptcy Judges, Orlando, FL (2001)
- ◆ Effective Negotiating, American Bankruptcy Institute (1999, 2001);
- ◆ Dispute Resolution Training for Judges, Alaska Federal and State Courts (1998);
- ◆ Mediation Skills for Civil and Commercial Disputes, New Hampshire Superior Court (1997);
- ◆ Alternative Dispute Resolution Panel, American Bar Association, Banking Law Committee Annual Meeting (1997)

Background and Education

- ◆ Partner, Altman Riley Esher LLP, Boston, MA, 1999-present
- ◆ Mediator and Arbitrator, MWI National Bankruptcy Panel, Boston, MA, 2007-present
- ◆ Mediator and Arbitrator, JAMS, Boston, MA, 1996-2006
- ◆ Partner, Rubin and Rudman LLP, Boston, MA, 1990-1999
- ◆ Partner, Riemer & Braunstein, Boston, MA, 1984-1990
- ◆ Owner, Law and Mediation Offices, San Francisco and Petaluma, CA, 1982-1984
- ◆ Associate, Bank of America, San Francisco, 1979-1982
- ◆ Associate, Murphy, Weir & Butler, San Francisco, CA, 1977-1979
- ◆ J.D., *magna cum laude*, University of San Francisco School of Law, 1977
- ◆ B.A., Brandeis University, 1972

References Available Upon Request